

1 THE HONORABLE JAMES L. ROBART
2
3
4
5
6
7
8

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 MICROSOFT CORPORATION,

10 Plaintiff,

11 vs.

12 MOTOROLA, INC., et al.,

13 Defendants.

14

MOTOROLA MOBILITY, INC., et al.,

15 Plaintiffs,

16 vs.

17 MICROSOFT CORPORATION,

18 Defendants.

19 I, Christopher Wion, hereby declare as follows:

20 1. I am an attorney at the law firm of Danielson Harrigan Leyh & Tollefson LLP,
21 one of the law firms representing Microsoft Corporation ("Microsoft") in the above-captioned
22 matter, and have personal knowledge of the facts stated herein.

23 2. Attached hereto as Exhibit 1 is a true and correct copy of a license agreement
24 between Motorola Mobility, Inc. and VTech Communications, Inc., dated December 1 and
25

26 DECLARATION OF CHRISTOPHER WION IN
27 SUPPORT OF MICROSOFT'S REPLY IN
28 SUPPORT OF ITS MOTION FOR SUMMARY
29 JUDGMENT OF BREACH OF CONTRACT - 1

Case No. C10-1823-JLR

DECLARATION OF CHRISTOPHER
WION IN SUPPORT OF
MICROSOFT'S REPLY IN
SUPPORT OF ITS MOTION FOR
SUMMARY JUDGMENT OF BREACH
OF CONTRACT

Noted: April 20, 2012

Hearing: May 7, 2012 9:00 am

LAW OFFICES
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL. (206) 623-1700 FAX, (206) 623-8717

December 6, 2011, produced by Motorola in this matter under Bates number
MOTM_WASH1823_0394368 – MOTM_WASH1823_0394401.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the deposition of Timothy M. Kowalski taken on April 4, 2012 in this matter.

4. Attached hereto as Exhibit 3 is a true and correct copy of U.S. Patent No. 5,029,183, issued July 2, 1991, produced by Motorola in this matter under Bates number MOTM_WASH1823_0412009 – MOTM_WASH1823_0412031.

5. Attached hereto as Exhibit 4 is a true and correct copy of an excerpt of the file history of the application leading to U.S. Patent No. 5,479,441, produced by Motorola in this matter under Bates number MOTS 1823 0037876 – MOTS 1823 0037878.

6. Attached hereto as Exhibit 5 is a true and correct copy of a press release dated November 17, 2003 entitled "MPEG LA Announces Terms of Joint H.264/MPEG-4 AVC Patent License," produced in this matter by MPEG LA, LLC under Bates number MPEG LA-000296-MPEG LA-000298.

7. Attached hereto as Exhibit 6 is a true and correct copy of an email exchange, including a November 7, 2003 email from Motorola employee Paul Bawel, produced in this matter by MPEG LA, LLC under Bates number MPEG-MOT_00000330-MPEG-MOT 00000332.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 20th day of April, 2012 in Seattle, Washington.

Christopher Wion
CHRISTOPHER WION

**DECLARATION OF CHRISTOPHER WION IN
SUPPORT OF MICROSOFT'S REPLY IN
SUPPORT OF ITS MOTION FOR SUMMARY
JUDGMENT OF BREACH OF CONTRACT - 2**

LAW OFFICES
DANIELSON HARRIGAN LEYII & TOLLEFSON LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL. (206) 623-1700 FAX. (206) 623-8717

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Attorneys for Defendants Motorola Solutions, Motorola Mobility and General Instrument Corporation

Ralph Palumbo
Philip S. McCune
Lynn M. Engle
Summit Law Group

Steven Pepe
Jesse J. Jenner
Norman Beamer
Paul M. Schoenhard
Ropes & Gray

s/ Linda Bledsoe
LINDA BLEDSOE